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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/740,981 | 12/21/2000 | Takashi Nitaki | 016778/0422 | 5491 |

22428 7590 07/12/2005

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| EXAMINER |
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SON, LINH L D

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| ART UNIT | PAPER NUMBER |
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2135

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,981

Applicant(s)

NITAKI, TAKASHI

Examiner

Linh LD Son

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 18-21, and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is written in responding to the RCE filed on May 23rd, 2005.
2. Claims 1 and 2 are amended.
3. Claims 1-7, 18-21, and 22 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over GREGG et al (US-2002/0002688A1), hereinafter "GREGG", (Cited in Office Action dated 05/24/04).
6. As per claims 1, GREGG discloses the "Subscription Access System for Use with an Un-trusted Network" invention, which teaches an access right management system having computer terminal, a gateway, and a Clearing House Database (See Fig 2). The computer terminal communicates to the Internet via LAN or by modem (Para 0043). To request the contents data, the computer terminal submit a request for contents data from on a website which is on the Internet or a network. The contents data will then be received on the

computer terminal for viewing (Para 0050 and 0043). The gateway comprises a firewall (Para 0043), the subscription access server to receive request and the authentication data from the user, such as username/password and a key (Para 0044); keeping track of the subscription session (Para 0046), and connecting to the content database to get the contents data for the requested session (Para 0048 and 0050). The authentication process for the contents data request comprises a validity process of the session manager to make sure the request is a new session or an existing one (Para 0056 and 0057) and active or not (Fig 17) based on the data in the subscription access database (Para 0074-78), which can be interpreted as a history log information. Once the authentication process completes, the gateway, which is the subscription access software, communicates the content server to cache the contents data for the session (Para 0050) and transmit the contents data for viewing, "wherein, when the use request is a first use request made by the portable terminal to the gateway for access to information in the contents server, the gateway assigns a password and identification number (ID) to the use request and sends the password and ID as authentication information to the portable terminal, to be sent by the portable terminal to the gateway for access to information in the contents server" in (Para 0006), "wherein the time of the first access stored in the access history information storing means corresponds to a time when the contents server was first accessed by the portable terminal" in (Para 0056), and "wherein the predetermined effective time corresponds to a time period starting at the

time of the first access, and ending at a fixed time period after the time of the first access” in (Para 0098-0099). GREGG teaches the subscriber as a personal computer terminal. However, GREGG does not specifically teach the personal computer terminal is portable. Nevertheless, it is obvious at the time of the invention was made for one of ordinary skill in the art to realize that a computer terminal can be portable, such as laptop.

7. As per claims 2 and 10-12, same basis of rejection of claim 1 is applied. Further, GREGG also teach the first user content service request process including the subscriber submit an online application for service and the access server will reply back the username and password for the server after going through a process (Para 0062-65 and 0086-87). Once the subscriber or the portable terminal has the login info, the content service request can begin by submitting for verification. After the verification process complete, the request contents data will be received as requested (Para 0062-65). On the gateway side, the received request will be verified to determine the request is the first time use or an existing subscription with valid session time (Para 0056-57 and Fig 17). The verification process will check the log info in the database for verification data (Para 0074-78). If the request is valid the requested contents data will be collected from the content server and transfer over to the portable terminal (Para 0050). “wherein, when the use request is a first use request made by the potable terminal to the gateway for access to information in the

contents server, the gateway assigns a password and identification number (ID) to the use request and sends the password and ID as authentication information to the portable terminal, to be sent by the portable terminal to the gateway for access to information in the contents server" in (Para 0006), "wherein the time of the first access stored in the access history information storing means corresponds to a time when the contents server was first accessed by the portable terminal" in (Para 0056), and "wherein the predetermined effective time corresponds to a time period starting at the time of the first access, and ending at a fixed time period after the time of the first access" in (Para 0098-0099).

8. As per claim 3, GREGG discloses an access right management system as claimed in claim 2, wherein the identification information transmitting means confirms with the portable terminal whether to access to the contents service for which the use request has been made before transmitting the assigned identifier and password to the portable terminal (Para 0064 and 0065).
9. As per claim 4, GREGG discloses an access right management system as claimed in claim 1, wherein the gateway comprises: continuation notice transmitting means for transmitting a predetermined access right continuation notice to the portable terminal when the access validity determining means determines that the use request is not within the effective period; and

continuation process means for performing a predetermined access right continuation process based on instruction information received from the portable terminal corresponding to the access right continuation notice transmitted by the continuation notice transmitting means, and wherein the portable terminal comprises; instruction information accepting means for receiving the access right continuation notice and for accepting the instruction information on whether to continue to hold the access right based on the same notice; and instruction information transmitting means for transmitting the instruction information accepted by the instruction information accepting means to the gateway (Para 0097-98).

10. As per claim 6, GREGG discloses an access right managing system as claimed in claim 1, wherein the access history information includes the date of the latest access and a predetermined effective period and wherein an access within the effective period that starts from the date of the latest access is regarded valid (Para 0098-100).
11. As per claim 18, GREGG discloses an access right managing system as claimed in claim 2, wherein the gateway comprises: continuation notice transmitting means for transmitting a predetermined access right continuation notice to the portable terminal when the access validity determining means determines that the use request is not within the effective period (Para 0097);

and continuation process means for performing a predetermined access right continuation process based on instruction information received from the portable terminal corresponding to the access right continuation notice transmitted by the continuation notice transmitting means and wherein the portable terminal comprises; instruction information accepting means for receiving the access right continuation notice and for accepting the instruction information on whether to continue to hold the access right based on the same notice; and instruction information transmitting means for transmitting the instruction information accepted by the instruction information accepting means to the gateway (Para 0097 and 0098).

12. As per claim 20, GREGG discloses an access right managing system as claimed in claim 2, wherein the access history information includes the data of the latest access and a predetermined effective period and wherein an access within the effective period that starts from the data of the latest is regarded valid (Para 0099 and 100).
13. **Claims 5, 7, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over GREGG in view of Saylor et al (US/6707889), hereinafter "Saylor" (Cited in Office Action dated 05/24/04).**

14. As per claim 5, and 19, GREGG discloses an access right managing system as claimed in claim 1. However, GREGG does not teach the converting of the contents data into a predetermined data format corresponding to the display mode of the display means of the portable terminal. Nevertheless, Saylor disclose the "Multiple voice network access provider system and method" invention, which also includes access right managing system to authenticate portable telephone user for contents subscription access. Further, the system includes the Vpage translation system to translate the requested data to the format displayable on the portable terminal (Col 21 lines 9-44). Therefore, it is obvious at the time of the invention was made for one of ordinary skill in the art to incorporate both teaching to provide a complete, secured, and accurate content subscription service solution to portable telephone users.
15. As per claim 7, GREGG and Saylor disclose an access managing system as claimed in claim 5, wherein the contents data transfer means converts into content data described in the Wireless Markup Language (Col 21 lines 25-26).
16. As per claim 21, GREGG discloses an access managing system as claimed in claim 1. However, GREGG does not teach the portable terminal is a portable telephone. Nevertheless, Saylor disclose the "Multiple voice network access provider system and method" invention, which also includes access right managing system to authenticate portable telephone user for

contents subscription access. Further, includes the teaching of the portable telephone as a user subscriber terminal in the system (Col 14 line 15).

Therefore, it is obvious at the time of the invention for one of ordinary skill in the art to replace the computer terminal teaching in Gregg at al with the portable phone in Saylor's invention. The obviousness is that both devices are computer with capabilities of processing information retrieving from a network.

Response to Arguments

17. As per remark on page 10, Applicant argues that the new limitation "wherein the time of the first access stored in the access history ... and ending at a fixed time period after the time of the first access" over come Gregg's teaching.

Examiner believes that the Applicant has misinterpreted Gregg's teaching. The first access stored in the access history is actually the "session ID and the key of the active session" (Para 0097-0099). Each session has a preset time limit and based on the time duration of the session, the session validator will determine whether the first access stored (session ID) is still valid or not (Para 0098). Therefore, Gregg is clearly disclosing the new amended limitation in claims 1 and 2.

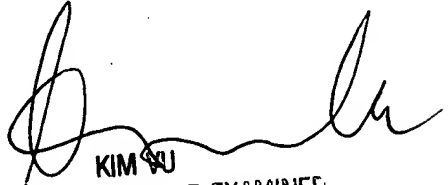
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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135


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